

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3, 5, and 7 are pending in the present application. No claims are amended by the present amendment, thus, no new matter is added.

In the outstanding Office Action, Claims 1, 3, 5 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Japanese publication 60-254432 (herein Jap. Pub. '432) in view of Kouchiyama (U.S. Pat. Pub. No. 2004/0170916), Chaiken et al. (U.S. Pat. No. 5,691,091, herein "Chaiken") or Japanese Publication 2003-315988 (herein "Jap. Pub. '988").

Initially, Applicants and Applicants' representatives wish to thank Examiner Vargot for the interview with Applicants and Applicants' representatives on February 9, 2010. During the interview the present claims were discussed in detail and the Examiner agreed that the Chaiken reference did not appear to disclose the inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen recited in the claimed invention. Comments discussed during the interview are reiterated below.

With regard to the rejection of Claims 1, 3, 5 and 7 under 35 U.S.C. §103(a) as unpatentable over Jap. Pub. '432 in view of Kouchiyama and Jap. Pub. '988, Applicants have filed herewith an English translation of Japanese priority application JP 2003-003217 filed January 9, 2003 thus rendering these rejections moot. Specifically, the Kouchiyama reference is not prior art to the present application.¹ Moreover, the international publication of Kouchiyama WO/2003/071356 was published on August 28, 2003 and Jap. Pub. '988 was published on December 6, 2003. Thus, these references are also not prior art to the present application.

¹ See arguments filed in the response of November 19, 2009

Addressing now the rejection of Claims 1, 3, 5 and 7 under 35 U.S.C. §103(a) as unpatentable over Jap. Pub. '432 in view of Chaiken Applicants respectfully traverse this rejection.

Claim 1 recites, in part,

exposing an inorganic resist layer, said inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen, formed on a substrate to recording laser light modulated by an information signal corresponding to an information signal of an information concave and convex pattern formed on said optical disc to form an exposed pattern corresponding to said information concave and convex pattern of said optical disc.

Claim 5 includes similar features with regard to the inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen.

Jap. Pub. '432 describes a laser light irradiated upon a photosensitive film after the film is exposed from a helium-neon light source.²

However, as is acknowledged in the outstanding Action, Jap. Pub. '432 does not describe or suggest the inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen, as is recited in amended Claim 1.

Moreover, as was requested in the interview, Applicants note that the “inorganic material having a special property” mentioned in the abstract of Jap. Pub. '432 is one of “TeGeSn, TeGe, TeSe, AsS, AsSe, SbS and SbSe.” Applicants will provide a translation of the relevant portion of Jap. Pub. '432 shortly.

² See Jap. Pub. '432 Abstract.

The outstanding Action cites Chaiken as curing the deficiencies of Jap. Pub. '432 with regard to the claimed invention.

As was discussed in the interview, the outstanding Action asserts that Chaiken discloses inorganic resists that "include the instant metal and oxygen." Applicants respectfully traverse this assertion and submit that Chaiken does not describe or suggest WMoO anywhere in the respective reference.

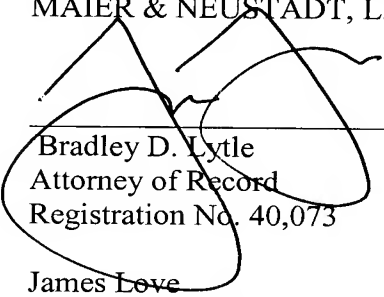
Thus, Applicants note that an inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen would not be obvious to one skilled in the art based on the disclosure of Chaiken, at least, because this reference never describes or suggests an incomplete oxide of tungsten *and* molybdenum.

Accordingly, Applicants respectfully submit that Claims 1 and 5, and claims depending respectfully therefrom, patentably distinguish over Jap. Pub. '432 and Chaiken considered individually or in any combination.

Consequently, in light of the above discussion the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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